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3 AN ORDINANCE authorizing the Board  
4 of Park Commissioners of the City  
5 of Fort Wayne to issue bonds of the  
6 Fort Wayne Department of Public  
7 Parks District in the name of the  
8 City for the purpose of financing  
9 improvements to parks and  
10 facilities and incidental expenses  
11 in connection therewith and on  
12 account of the issuance of the  
13 bonds.

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WHEREAS, the Board of Park Commissioners of  
the City of Fort Wayne, Allen County, Indiana (the  
"Board"), adopted a preliminary resolution on July 7,  
1994 and a final resolution on July 21, 1994  
determining to issue bonds in an amount not to exceed  
Eight Million Nine Hundred Fifty Thousand Dollars  
(\$8,950,000) for the purpose of acquiring, constructing  
and/or improving parks and facilities within the  
boundaries of the Fort Wayne Department of Public Parks  
District, Allen County, Indiana (the "District"),  
including but not limited to repairs and improvements  
to swimming pools, ball diamonds, roads, tennis courts,  
shelters, maintenance buildings, centers, pavilions,  
trails, walkways, parking lots, access for the  
handicapped, infrastructure, irrigation, restrooms,  
lighting, landscaping, equipment and removal or  
replacement of underground storage tanks; including the  
equipment and appurtenances thereto, to be used in  
connection with the operation of the Department of  
Parks and Recreation programs and facilities including  
but not limited to the following facilities: Kreager  
Park, Foster Park, Franke Park, the Rivergreenway,  
Foellinger-Freimann Botanical Conservatory, Northside  
Park, McMillen Park, Swinney Park, Johnny Appleseed  
Park, Lakeside Park, Vesey Park, Indian Village Park,  
Tillman Park, Weisser Park, Memorial Park, Jehl Park,  
Lawton Park, Hamilton Park, Kettler Park, Shoaff Park,

1 Children's Zoo, Reservoir Park, and other general  
2 District facilities (the "Project"), and to pay  
3 incidental expenses to be incurred in connection  
4 therewith and on account of the issuance of bonds  
5 therefor, pursuant to Indiana Code 36-10-4, a copy of  
6 which resolutions have been transmitted to this  
7 Council; and

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WHEREAS, a Petition in counterparts has been  
filed by more than fifty owners of taxable real estate  
situated within the boundaries of the District, and  
presented to the Board requesting the issuance of bonds  
in an amount not to exceed Eight Million Nine Hundred  
Fifty Thousand Dollars (\$8,950,000) for the purpose of  
providing funds in an amount sufficient to pay for the  
Project together with incidental expenses to be  
incurred in connection therewith and on account of the  
issuance of bonds therefor, and said Petition has been  
approved and accepted by the Board by resolution  
adopted July 7, 1994; and

WHEREAS, the Board is authorized under  
Indiana Code 36-10-4 to cause bonds to be issued for  
such purposes; and

WHEREAS, before engaging in additional  
proceedings on the proposed bond issue, the Board must  
obtain an ordinance approving the bond issue from this  
Council as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON  
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

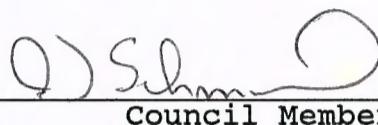
SECTION 1. This Council finds that the  
Project is of public utility and benefit.

1 SECTION 2. This Council hereby approves the  
2 proposed bond financing of the Project. The Board is  
3 hereby authorized, pursuant to the provisions of  
4 Indiana Code Section 36-10-4-35, to cause to be issued,  
5 in the name of the City of Fort Wayne, Indiana, the  
6 bonds of the District in an amount not to exceed Eight  
7 Million Nine Hundred Fifty Thousand Dollars  
8 (\$8,950,000) in aggregate principal amount for the  
9 purpose of providing funds to pay for the Project  
10 together with incidental expenses to be incurred in  
11 connection therewith and on account of the issuance of  
12 bonds therefor, said bonds to be payable over a period  
13 of not to exceed fifteen years. The bonds are not an  
14 obligation or indebtedness of the City of Fort Wayne,  
15 Indiana, but constitute an indebtedness of the District  
16 as a special taxing district, payable only out of a  
17 special tax levied upon all the property of the  
18 District as prescribed by law. The bonds shall be  
19 issued in fully registered form and in such  
20 denominations and form as may be determined by the  
21 Board and allowed by law. Upon compliance with Indiana  
22 Code 36-10-4 and other applicable laws and provisions  
23 of the Indiana Code, the fiscal officer of the City  
24 shall prepare the bonds, which shall be executed by the  
25 City executive and attested by the fiscal officer. The  
26 City executive, the fiscal officer and other officers  
27 of the City shall be authorized to execute and perform  
28 all actions necessary to comply with the requirements  
29 of the final bond resolution and the provisions of the  
Indiana Code and other applicable laws.

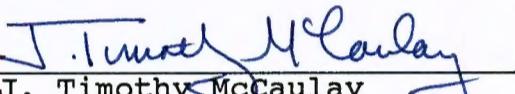
31 SECTION 3. The interest rate on the bonds in  
32 an amount not to exceed seven percent (7%) per annum is  
hereby approved.

1 SECTION 4. All ordinances, resolutions, and  
2 orders or parts thereof in conflict with the provisions  
3 of this Ordinance are to the extent of such conflict  
hereby repealed.

5 SECTION 5. That this Ordinance shall be in  
6 full force and effect from and after its passage and  
7 any and all necessary approval by the Mayor.

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9 \_\_\_\_\_  
10 Council Member

11 APPROVED AS TO FORM  
12 AND LEGALITY

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14 J. Timothy McCaulay  
15 City Attorney

Read the first time in full and on motion by Belmich,  
seconded by                   , and duly adopted, read the second time by  
title and referred to the Committee on Finance (and the  
City Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Common Council Conference Room 128, City-County  
Building, Fort Wayne, Indiana, on                   , the                   , day  
of                   , 19           , at                    o'clock                    M., E.S.T.

DATED: 7-26-94

*Sandra E. Kennedy*  
SANDRA E. KENNEDY CITY CLERK  
*Naugle, Colby, Dwyer, Dill, Belmich*

Read the third time in full and on motion by Belmich,  
seconded by                   , and duly adopted, placed on its passage.  
PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>7</u>			<u>2</u>
<u>BRADBURY</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GiaQUINTA</u>				<u>1</u>
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>				<u>1</u>
<u>LUNSEY</u>	<u>✓</u>			
<u>RAVINE</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 8-9-94

*Sandra E. Kennedy*  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. S-65-94  
on the 9th day of August, 19 94

ATTEST:

(SEAL)

*Sandra E. Kennedy*  
SANDRA E. KENNEDY, CITY CLERK

*Thomas P. Henry*  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 10th day of August, 19 94,  
at the hour of 11:30 o'clock A.M., E.S.T.

*Sandra E. Kennedy*  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 10th day of August,  
19 94, at the hour of 1:00 o'clock P.M., E.S.T.

*Paul Helmke*  
PAUL HELMKE, MAYOR

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE BOARD OF PARK COMMISSIONERS  
OF THE CITY OF FORT WAYNE, ALLEN COUNTY,  
INDIANA, AUTHORIZING ISSUANCE OF BONDS FOR THE  
PURPOSE OF PROVIDING FUNDS TO BE APPLIED TO  
PAY COSTS OF ACQUIRING, CONSTRUCTING AND/OR  
IMPROVING PARKS AND FACILITIES WITHIN THE  
BOUNDARIES OF THE FORT WAYNE DEPARTMENT OF  
PUBLIC PARKS DISTRICT, ALLEN COUNTY, INDIANA

**WHEREAS**, the Board of Park Commissioners of the City of Fort Wayne, Allen County, Indiana (the "Board"), has received taxpayer petitions requesting the issuance of bonds to pay for costs of acquiring, constructing and/or improving parks and facilities within the boundaries of the Fort Wayne Department of Public Parks District, Allen County, Indiana (the "District"), including but not limited to repairs and improvements to swimming pools, ball diamonds, roads, tennis courts, shelters, maintenance buildings, centers, pavilions, trails, walkways, parking lots, access for the handicapped, infrastructure, irrigation, restrooms, lighting, landscaping, equipment and removal or replacement of underground storage tanks; including the equipment and appurtenances thereto, to be used in connection with the operation of the Department of Parks and Recreation programs and facilities including but not limited to the following facilities: Kreager Park, Foster Park, Franke Park, the Rivergreenway, Foellinger-Freimann Botanical Conservatory, Northside Park, McMillen Park, Swinney Park, Johnny Appleseed Park, Lakeside Park, Vesey Park, Indian Village Park, Tillman Park, Weisser Park, Memorial Park, Jehl Park, Lawton Park, Hamilton Park, Kettler Park, Shoaff Park, Children's Zoo, Reservoir Park, and other general District facilities (the "Project"), as more specifically described on Exhibit A, and related and incidental expenses to be incurred in connection therewith and on account of the issuance of bonds therefor; and

**WHEREAS**, in addition to the Project, additional improvements to parks and facilities within the District will be funded by private funds and grants of approximately Five Million Nine Hundred Thirty Three Thousand Eight Hundred Dollars (\$5,933,800) and sufficient funds of the District are not available to pay the costs of the Project as described on Exhibit A; and

**WHEREAS**, it would be of public utility and benefit and in the best interests of the District and its residents to pay the costs of the Project and incidental expenses in connection therewith and on account of the issuance of bonds therefor, such bonds to be issued as negotiable general obligation bonds of the District; and

**WHEREAS**, the Board deems it advisable to issue the negotiable general obligation bonds authorized by this Resolution as "City of Fort Wayne Park District Bonds of 1994" in an original principal amount not to exceed Eight Million Nine Hundred Fifty Thousand Dollars (\$8,950,000) (the "1994 Bonds") for the purpose of providing financing for the Project and incidental expenses and costs of issuing the 1994 Bonds; and

**WHEREAS**, the Board now finds that all conditions precedent to the adoption of a resolution authorizing the issuance of the 1994 Bonds have been complied with in accordance with Indiana Code 36-10-4 and other applicable laws and provisions of the Indiana Code, as amended (collectively, the "Act").

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PARK COMMISSIONERS OF THE CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA, AS FOLLOWS:**

**SECTION 1. Authorization for Bonds and Appropriation of Bond Proceeds.** In order to provide financing for the Project and incidental expenses in connection therewith and on account of the

issuance of the 1994 Bonds, the City of Fort Wayne, Indiana (the "City"), acting for and on behalf of the District, shall borrow money and issue the 1994 Bonds as herein authorized.

An appropriation in the amount of Eight Million Nine Hundred Fifty Thousand Dollars (\$8,950,000) shall be made to pay for the Project to be financed by the 1994 Bonds and incidental expenses to be incurred in connection therewith, such expenses to include, without limitation, all expenses of every kind actually incurred preliminarily to the funding of the Project, and expenses incurred in connection with the issuance of the 1994 Bonds. The funds to meet said appropriation shall be provided out of the proceeds of the 1994 Bonds in the original principal amount of not to exceed \$8,950,000 authorized by this Resolution. Said appropriation shall be in addition to all other appropriations provided for in the existing budget and tax levy.

**SECTION 2. General Terms of Bonds.** In order to procure said loan for such purposes, the Controller of the City (the "Controller") is hereby authorized and directed to have prepared and to issue and sell negotiable general obligation bonds of the District in an amount not to exceed Eight Million Nine Hundred Fifty Thousand Dollars (\$8,950,000), to be designated "City of Fort Wayne Park District Bonds of 1994" for the purpose of providing financing for the Project and incidental expenses, such expenses to include without limitation all expenses of every kind incurred preliminarily to the funding of the Project, and costs of issuing the 1994 Bonds. Such 1994 Bonds shall be signed in the name of the City by the manual or facsimile signature of the Mayor of the City (the "Mayor") and attested by the manual or facsimile signature of the Controller, who shall affix the seal of the City to each of the 1994 Bonds manually or shall have the seal imprinted or impressed thereon by facsimile or other means. In case any officer whose signature appears on the 1994 Bonds shall cease to be such officer before the delivery of the 1994 Bonds, such signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in office until delivery thereof. The 1994 Bonds shall also be authenticated by the manual signature of the Registrar (as defined below).

The 1994 Bonds are, as to all the principal thereof and interest due thereon, general obligations of the District and are not corporate obligations or indebtedness of the City. The District covenants that the proceeds of the 1994 Bonds will not be used for any purpose except as described in this Resolution.

The 1994 Bonds shall be sold at a price not less than the par value thereof, shall be issued in fully registered form in denominations of up to Five Thousand Dollars (\$5,000), shall be numbered consecutively from 1 up, shall be originally dated as of the first day of the month in which the 1994 Bonds are sold or as otherwise determined by the Controller, and shall bear interest payable semi-annually commencing July 1, 1995, and each January 1 and July 1 thereafter at a rate or rates not exceeding seven percent (7%) per annum (the exact rate or rates to be determined by bidding). Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months. The 1994 Bonds shall mature serially on the dates and substantially in accord with the schedule set forth on Exhibit B.

All payments of interest on the 1994 Bonds shall be paid by check or draft mailed one business day prior to the interest payment date to the registered owners thereof as of the fifteenth (15th) day of the month in which interest is payable at the addresses as they appear on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent (as hereafter defined) in writing by such registered owner. All principal payments on the 1994 Bonds shall be made upon surrender thereof at the principal corporate trust office of the Paying Agent in any coin or currency of the United States of

America which on the date of such payment shall be legal tender for the payment of public and private debts.

Interest on the 1994 Bonds shall be payable from the interest payment date to which interest has been paid next preceding the authentication date thereof unless such 1994 Bonds are authenticated after the fifteenth (15th) day of the month in which interest is payable, and on or before such interest payment date, in which case they shall bear interest from such interest payment date, or unless authenticated on or before the fifteenth (15th) day of the month of the first interest payment date, in which case they shall bear interest from the original date, until the principal shall be fully paid.

Any 1994 Bonds issued under this Resolution may be initially issued in temporary form exchangeable for definitive bonds. The temporary bonds may be printed, lithographed or typewritten, shall be of such denominations up to \$5,000 as may be determined by the Controller, shall be in fully registered form and may contain such reference to any of the provisions of this Resolution as may be appropriate. If temporary bonds are issued, definitive bonds will be executed and furnished without delay and thereupon the temporary bonds shall be surrendered for cancellation at the principal corporate trust office of the Registrar and the Registrar shall deliver in exchange for such temporary bonds an equal aggregate principal amount of definitive bonds of the same interest rates and maturities. Until so exchanged, the temporary bonds shall be entitled to the same benefits under this Resolution as definitive bonds issued hereunder.

Each 1994 Bond shall be transferable or exchangeable only upon the books of the City kept for that purpose by the Registrar, by the registered owner thereof in person, or by his attorney duly authorized in writing, upon surrender of such 1994 Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in the same aggregate principal amount, and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The costs of such transfer or exchange shall be borne by the City. The City, Registrar and Paying Agent may treat and consider the persons in whose name such 1994 Bonds are registered as the absolute owners thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

In the event any 1994 Bond is mutilated, lost, stolen or destroyed, the City may execute and the Registrar may authenticate a new bond of like date, maturity and denomination as that mutilated, lost, stolen or destroyed, which new bond shall be marked in a manner to distinguish it from the bond for which it was issued, provided that, in the case of any mutilated bond, such mutilated bond shall first be surrendered to the Registrar, and in the case of any lost, stolen or destroyed bond there shall be first furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the City and the Registrar, together with indemnity satisfactory to them. In the event any such bond shall have matured, instead of issuing a duplicate bond, the City and the Registrar may, upon receiving indemnity satisfactory to them, pay the same without surrender thereof. The City and the Registrar may charge the owner of such 1994 Bond with their reasonable fees and expenses in this connection. Any bond issued pursuant to this paragraph shall be deemed an original, substitute contractual obligation of the District, whether or not the lost, stolen or destroyed 1994 Bond shall be found at any time, and shall be entitled to all the benefits of this Resolution, equally and proportionately with any and all other 1994 Bonds issued hereunder.

**SECTION 3. Terms of Redemption.** The 1994 Bonds maturing on or after January 1, 2003 are redeemable prior to maturity at the

option of the City on July 1, 2002, or any date thereafter, on thirty (30) days' notice, in whole or in part, in any order of maturities selected by the City and by lot within a maturity, at 100% of face value, but without premium, plus accrued interest to the date fixed for redemption.

Notice of such redemption shall be mailed by first-class mail or by registered or certified mail to the address of each registered owner as shown on the registration record of the City not more than sixty (60) days and not less than thirty (30) days prior to the date fixed for redemption except to the extent such redemption notice is waived by the owners of 1994 Bonds redeemed, provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any 1994 Bond shall not affect the validity of any proceedings for the redemption of any other 1994 Bonds. The notice shall specify the date and place of redemption, the redemption price and the CUSIP numbers of the 1994 Bonds called for redemption. The place of redemption may be determined by the City. Interest on the 1994 Bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named, and thereafter, such 1994 Bonds shall no longer be protected by this Resolution and shall not be deemed to be outstanding hereunder, and the holders thereof shall have the right only to receive the redemption price. All 1994 Bonds which have been redeemed shall be cancelled and shall not be reissued.

Prior to the date fixed for redemption, funds shall be deposited with the Paying Agent to pay, and the Paying Agent is hereby authorized and directed to apply such funds to the payment of, the 1994 Bonds or portions thereof called for redemption, including accrued interest thereon to the redemption date. No payment shall be made by the Paying Agent upon any 1994 Bond or portion thereof called for redemption until such bond shall have been delivered for payment or cancellation or the Registrar shall have received the items required by this Resolution with respect to any mutilated, lost, stolen or destroyed bond.

#### SECTION 4. Appointment of Registrar and Paying Agent.

The Controller of the City is hereby appointed to serve as registrar and paying agent for the 1994 Bonds, but the City shall have the option of appointing a successor registrar and paying agent at any time (the "Registrar" or "Paying Agent"). The Registrar is hereby charged with the responsibility of authenticating the 1994 Bonds, and shall keep and maintain at its principal corporate trust office books for the registration and transfer of the 1994 Bonds. The Mayor is hereby authorized to enter into such agreements or understandings with such institution as will enable the institution to perform the services required of the Registrar and Paying Agent. The Controller is authorized to pay such fees as the institution may charge for the services it provides as Registrar and Paying Agent.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent by giving thirty (30) days written notice by first-class mail to the City and to each registered owner of the 1994 Bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar and Paying Agent by the City. Such notice to the City may be served personally or be sent by registered mail. The Registrar and Paying Agent may be removed at any time as Registrar and Paying Agent by the City, in which event the City may appoint a successor Registrar and Paying Agent. The City shall notify each registered owner of the 1994 Bonds then outstanding by first-class mail of the removal of the Registrar and Paying Agent. Notices to registered owners of the 1994 Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the bond register. Any predecessor Registrar and Paying Agent shall deliver all the 1994 Bonds and cash in its possession and the bond register

to the successor Registrar and Paying Agent. At all times, the same entity shall serve as Registrar and as Paying Agent.

**SECTION 5. Form of Bonds.** The form and tenor of the 1994 Bonds shall be substantially as follows, all blanks to be filled in properly prior to delivery thereof:

(Form of Bond)

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF ALLEN

CITY OF FORT WAYNE  
PARK DISTRICT BOND OF 1994

Interest Rate	Maturity Date	Original Date	Authentication Date	CUSIP
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Registered Owner:

Principal Sum:

The City of Fort Wayne, in Allen County, State of Indiana (the "City"), acting for and on behalf of the Fort Wayne Department of Public Parks District, Allen County, Indiana (the "District"), for value received, hereby promises to pay to the Registered Owner set forth above, the Principal Sum set forth above on the Maturity Date set forth above, and to pay interest thereon until the Principal Sum shall be fully paid at the Interest Rate per annum specified above from the interest payment date to which interest has been paid next preceding the Authentication Date of this bond unless this bond is authenticated after the fifteenth day of the month in which interest is payable and on or before such interest payment date in which case interest shall be paid from such interest payment date, or unless this bond is authenticated on or before June 15, 1995 in which case it shall bear interest from the Original Date, which interest is payable semi-annually on January 1 and July 1 of each year, beginning on July 1, 1995. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

The principal of this bond is payable at the office of the Controller of the City of Fort Wayne (the "Registrar" or "Paying Agent"), in Fort Wayne, Indiana. All payments of interest on this bond shall be paid by check or draft mailed one business day prior to the interest payment date to the registered owner hereof as of the fifteenth day of the month in which interest is payable at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the Registered Owner. All payments of principal of this bond shall be made upon surrender thereof at the principal corporate trust office of the Paying Agent in any coin or currency of the United States of America which on the dates of such payment shall be legal tender for the payment of public and private debts.

The terms and provisions of this bond are continued on the reverse side hereof and such terms and provisions shall for all purposes have the same effect as though fully set forth at this place.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the preparation and complete execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the City of Fort Wayne, in Allen County, Indiana, acting for and on behalf of the Fort Wayne Department of Public Parks District, Allen County, Indiana, has caused this bond to be executed in its corporate name by the manual or facsimile signature of the Mayor, attested manually or by facsimile by the Controller, and its corporate seal to be hereunto affixed, imprinted or impressed by any means.

CITY OF FORT WAYNE, INDIANA

(SEAL OF CITY) By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Controller

(Form of Registrar's Certificate of Authentication)

It is hereby certified that this bond is one of the bonds described in the within-mentioned Resolution duly authenticated by the Registrar.

CITY OF FORT WAYNE, INDIANA  
as Registrar

By \_\_\_\_\_  
Authorized Representative

(To be printed on Reverse Side)

This bond is one of an authorized issue of negotiable general obligation bonds of the District, of like original date, tenor and effect, except as to denomination, numbering, interest rates and dates of maturity, in the total amount of Eight Million Nine Hundred Fifty Thousand Dollars (\$8,950,000), numbered from 1 up, issued for the purpose of acquiring, constructing, and/or improving parks and facilities within the District, including but not limited to repairs and improvements to swimming pools, ball diamonds, roads, tennis courts, shelters, maintenance buildings, centers, pavilions, trails, walkways, parking lots, access for the handicapped, infrastructure, irrigation, restrooms, lighting, landscaping, equipment and removal or replacement of underground storage tanks; including the equipment and appurtenances thereto, to be used in connection with the operation of the Department of Parks

and Recreation programs and facilities including but not limited to the following facilities: Kreager Park, Foster Park, Franke Park, the Rivergreenway, Foellinger-Freimann Botanical Conservatory, Northside Park, McMillen Park, Swinney Park, Johnny Appleseed Park, Lakeside Park, Vesey Park, Indian Village Park, Tillman Park, Weisser Park, Memorial Park, Jehl Park, Lawton Park, Hamilton Park, Kettler Park, Shoaff Park, Children's Zoo, Reservoir Park, and other general District facilities and for the purpose of paying incidental expenses to be incurred in connection therewith and on account of the issuance of bonds therefor, as authorized by Resolution No. \_\_\_\_\_ adopted by the Board of Park Commissioners of the City of Fort Wayne, Allen County, Indiana, on the 21st day of July, 1994, entitled "RESOLUTION OF THE BOARD OF PARK COMMISSIONERS OF THE CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA, AUTHORIZING ISSUANCE OF BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO BE APPLIED TO PAY COSTS OF ACQUIRING, CONSTRUCTING AND/OR IMPROVING PARKS AND FACILITIES WITHIN THE BOUNDARIES OF THE FORT WAYNE DEPARTMENT OF PUBLIC PARKS DISTRICT, ALLEN COUNTY, INDIANA" (the "Resolution"), and in strict compliance with the provisions of Indiana Code 36-10-4 and other applicable laws and provisions of the Indiana Code, as amended (collectively, the "Act").

Pursuant to the provisions of the Act and said Resolution, the principal of and interest on this bond and all other bonds of said issue are payable as a general obligation of the District, and are not corporate obligations or indebtedness of the City, but are an indebtedness of the District as a special taxing district, payable only out of a special tax levied upon all property of the District.

The bonds of this issue maturing on or after January 1, 2003 are redeemable at the option of the City on July 1, 2002 or any date thereafter, on thirty (30) days' notice, in whole or in part, in any order of maturities selected by the City and by lot within a maturity, at 100% of face value, but without premium, plus accrued interest to the date fixed for redemption.

Notice of such redemption shall be mailed by first-class mail or by registered or certified mail not more than sixty (60) days and not less than thirty (30) days prior to the date fixed for redemption to the address of the Registered Owner as shown on the registration record of the City except to the extent such redemption notice is waived by the owners of the bond or bonds redeemed, provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any bond shall not affect the validity of any proceedings for the redemption of any other bonds. The notice shall specify the date and place of redemption, the redemption price and the CUSIP numbers of the bonds called for redemption. The place of redemption may be determined by the City. Interest on the bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named, and thereafter, such bonds shall no longer be protected by the Resolution and shall not be deemed to be outstanding thereunder, and the holders thereof shall have the right only to receive the redemption price.

If this bond shall not be presented for payment on the date fixed therefor, the City may deposit in trust with the Paying Agent or another financial institution approved by the City, an amount sufficient to pay such bond, and thereafter the Registered Owner shall look only

to the funds so deposited in trust with said financial institution for payment and the City shall have no further obligation or liability in respect thereto.

This bond is subject to defeasance prior to payment as provided in the Resolution and the owner of this bond, by the acceptance hereof, hereby agrees to all the terms and provisions contained in the Resolution.

This bond is transferable or exchangeable only upon the books of the City kept for that purpose at the office of the Registrar by the Registered Owner in person, or by his attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or his attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in the same aggregate principal amount, and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the Registered Owner, as the case may be, in exchange therefor. The City, any registrar and any paying agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

The bonds maturing in any one year are issuable only in fully registered form in the denomination of \$5,000.

The following abbreviations, when used in the inscription on the face of this bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN. COM.	as tenants in common
TEN. ENT.	as tenants by the entireties
JT. TEN.	as joint tenants with right of survivorship and not as tenants in common
UNIF. TRANS.	
MIN. ACT	Custodian _____ (Cust.) _____ under Uniform Transfers to Minors Act of _____ (State)

Additional abbreviations may also be used, although not contained in the above list.

(Form of Assignment)

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ (Please Print or Typewrite Name and Address) \$ \_\_\_\_\_ principal amount of the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_, attorney to transfer the within bond on the books kept for the registration thereof with full power of substitution in the premises.

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

(End of Bond Form)

The 1994 Bonds shall initially be issued and held in book-entry form on the books of the central depository system, The Depository Trust Company, its successors, or any successor central depository system appointed by the City from time to time (the "Clearing Agency"), without physical distribution of bonds to the public. One definitive 1994 Bond of each maturity shall be delivered to the Clearing Agency and held in its custody. The City and the Registrar and Paying Agent may, in connection therewith, do or perform or cause to be done or performed any acts or things not adverse to the rights of the holders of the 1994 Bonds as are necessary or appropriate to accomplish or recognize such book-entry form 1994 Bonds.

So long as the 1994 Bonds remain and are held in book-entry form on the books of a Clearing Agency, then (1) any such 1994 Bond may be registered upon the books kept by the Registrar in the name of such Clearing Agency, or any nominee thereof, including CEDE & CO., as nominee of The Depository Trust Company; (2) the Clearing Agency in whose name such 1994 Bond is so registered shall be, and the City and the Registrar and Paying Agent may deem and treat such Clearing Agency as, the absolute owner and holder of such 1994 Bond for all purposes of this Resolution, including, without limitation, receiving payment of the principal of and interest on such 1994 Bond, the receiving of notice and giving of consent; (3) neither the City nor the Registrar and Paying Agent shall have any responsibility or obligation hereunder to any direct or indirect participant, within the meaning of Section 17A of the Securities Exchange Act of 1934, as amended, of such Clearing Agency, or any person on behalf of which, or otherwise in respect of which, any such participant holds any interest in any 1994 Bond, including, without limitation, any responsibility or obligation hereunder to maintain accurate records of any interest in any 1994 Bond or any responsibility or obligation hereunder with respect to the receiving of payment of principal of or interest on any 1994 Bond, the receiving of notice or the giving of consent; and (4) the Clearing Agency is not required to present any 1994 Bond called for partial redemption prior to receiving payment so long as the Registrar and the Clearing Agency have agreed to the method for noting such partial redemption.

If the City receives notice from the Clearing Agency which is currently the registered owner of the 1994 Bonds to the effect that such Clearing Agency is unable or unwilling to discharge its responsibility as a Clearing Agency for the 1994 Bonds or the City elects to discontinue its use of such Clearing Agency as a Clearing Agency for the 1994 Bonds, then the City and Registrar and Paying Agent each shall do or perform or cause to be done or performed all acts or things, not adverse to the rights of the holders of the 1994 Bonds, as are necessary or appropriate to discontinue use of such Clearing Agency as a Clearing Agency for the 1994 Bonds and to transfer the ownership of each of the 1994 Bonds to such person or persons, including any other Clearing

Agency, as the holders of the 1994 Bonds may direct in accordance with this Resolution. Any expenses of such discontinuance and transfer, including expenses of printing new certificates to evidence the 1994 Bonds, shall be paid by the City.

So long as the 1994 Bonds remain and are held in book-entry form on the books of a Clearing Agency, the Registrar shall be entitled to request and rely upon a certificate or other written representation from the Clearing Agency or any participant or indirect participant with respect to the identity of any beneficial owner of 1994 Bonds as of a record date selected by the Registrar. For purposes of determining whether the consent, advice, direction or demand of a registered owner of a 1994 Bond has been obtained, the Registrar shall be entitled to treat the beneficial owners of the 1994 Bonds as the bondholders and any consent, request, direction, approval, objection or other instrument of such beneficial owner may be obtained in the fashion described in this Resolution.

So long as the 1994 Bonds remain and are held in book-entry form on the books of The Depository Trust Company, the provisions of its standard form of Letter of Representations, if executed in connection with the issuance of the 1994 Bonds, as amended and supplemented, or any successor agreement shall control on the matters set forth herein. The Mayor is authorized to execute and deliver such a Letter of Representations. The Registrar, by accepting the duties of Registrar under this Resolution, agrees that it will undertake the duties of "Agent" set forth therein and that those duties to be undertaken by either the "Agent" or the "Issuer" shall be the responsibility of the Registrar. Further, so long as the 1994 Bonds remain and are held in book-entry form, the provisions of Section 5 of this Resolution shall control over conflicting provisions in any other section of this Resolution.

**SECTION 6. Sale of Bonds.** The Controller shall cause to be published a notice of sale once each week for two consecutive weeks per Indiana Code Section 5-3-1-2. The date fixed for the sale shall not be earlier than fifteen (15) days after the first of such publications and not earlier than three (3) days after the second of such publications. Said bond sale notice shall state the time and place of sale, the purpose for which the 1994 Bonds are being issued, the total amount thereof, the amount and date of each maturity, the maximum rate or rates of interest thereon, their denominations, the time and place of payment, that specifications and information concerning the 1994 Bonds are on file in the office of the Controller and are available on request, the terms and conditions upon which bids will be received and the sale made and such other information as is required by law or as the Controller shall deem necessary.

All bids for the 1994 Bonds shall be sealed and shall be presented to the Controller in accordance with the terms set forth in the bond sale notice. Bidders for the 1994 Bonds shall be required to name the rate or rates of interest which the 1994 Bonds are to bear, which shall be the same for all 1994 Bonds maturing on the same date and the interest rate bid on any maturity of 1994 Bonds must be no less than the interest rate bid on any and all prior maturities, not exceeding seven (7%) per annum, and such interest rate or rates shall be in multiples of one-one hundredth of one percent. The Controller shall award the 1994 Bonds to the bidder who offers the lowest interest cost, to be determined by computing the total interest on all the 1994 Bonds to their maturities and deducting therefrom the premium bid, if any. No bid for less than the par value of the 1994 Bonds and accrued interest shall be considered. The Controller may require that all bids shall be accompanied by certified or cashier's checks payable to the order of the City of Fort Wayne, Indiana, or a surety bond, in an amount not to exceed one percent of the aggregate principal amount of the 1994 Bonds as a guaranty of the performance of said bid, should it be accepted. In the event no satisfactory bids are

received on the day named in the sale notice, the sale may be continued from day to day thereafter for a period of thirty (30) days without readvertisement; provided, however, that if said sale be continued, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time fixed for sale in the bond sale notice. The Controller shall have full right to reject any and all bids.

The Controller is hereby authorized and directed to have the 1994 Bonds prepared, and the Mayor and Controller are hereby authorized and directed to execute the 1994 Bonds in substantially the form and the manner herein provided. The Controller is hereby authorized and directed to deliver the 1994 Bonds to the purchaser; thereupon, the Controller shall be authorized to receive from the purchaser the purchase price and take the purchaser's receipt for the 1994 Bonds. The amount to be collected by the Controller shall be the full amount which the purchaser has agreed to pay therefor, which shall be not less than the face value of the 1994 Bonds plus accrued interest to the date of delivery.

The Controller is hereby authorized and directed to obtain legal opinion as to the validity of the 1994 Bonds from Barnes & Thornburg, and to furnish such opinion to the purchasers of the 1994 Bonds or to cause a copy of said legal opinion to be printed on each 1994 Bond. The cost of such opinion shall be paid out of the proceeds of the 1994 Bonds.

**SECTION 7. Use of Bond Proceeds; Payment of Bonds.** Any accrued interest and premium received at the time of delivery of the 1994 Bonds will be applied to payments on the 1994 Bonds on the first interest payment date. The remaining proceeds received from the sale of the 1994 Bonds shall be deposited in the "City of Fort Wayne Park District Improvement Fund" (the "Improvement Fund"). The proceeds deposited in the Improvement Fund shall be expended only for the purpose of paying expenses incurred in connection with the Project together with the expenses incidental thereto and on account of the issuance of the 1994 Bonds. Any balance remaining in the Improvement Fund after the completion of the Project which is not required to meet unpaid obligations incurred in connection therewith and on account of the issuance of the 1994 Bonds may be used to pay debt service on the 1994 Bonds. The Improvement Fund shall be invested in accordance with the provisions of Indiana Code Section 36-10-4-37 and interest earned on such investment shall be deposited in the Improvement Fund.

For the purpose of raising money to pay the principal of and interest on the 1994 Bonds, the Board shall levy a special tax each year upon all of the property, both real and personal, located within the District in a manner and in an amount to meet and pay the principal of the 1994 Bonds as they mature within that year, together with all interest accruing on such 1994 Bonds, in accordance with the provisions of Indiana Code Section 36-10-4-38. The tax levied shall be collected and enforced in the same manner as other City taxes are collected and enforced. As the tax is collected, it shall be accumulated and kept in a separate fund to be known as the "Park District Bond Fund" (the "Bond Fund") which Fund shall be applied to the payment of the principal of and interest on the 1994 Bonds, and any other bonds issued under Indiana Code Section 36-10-4-35, and to no other purposes. The Bond Fund shall be invested in accordance with the provisions of Indiana Code Section 36-10-4-38 and interest earned on such investment shall be deposited in the Bond Fund.

**SECTION 8. Defeasance.** If, when the 1994 Bonds or any portion thereof shall have become due and payable in accordance with their terms, and the whole amount of the principal and the interest so due and payable upon all of such bonds or any portion thereof then outstanding shall be paid, or (i) cash, or (ii) direct non-callable obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America, and securities fully and

unconditionally guaranteed as to the timely payment of principal and interest by the United States of America, to which direct obligation or guarantee the full faith and credit of the United States of America has been pledged, and to the extent permitted by Indiana law, Refcorp interest strips, CATS, TIGRS, STRPS, or defeased municipal bonds rated in the highest category for such obligations by Standard & Poor's Corporation or Moody's Investors Service (or any combination thereof), the principal of and the interest on which when due without reinvestment will provide sufficient moneys, or (iii) any combination of the foregoing, shall be held irrevocably in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the 1994 Bonds or any designated portion thereof issued hereunder shall no longer be deemed outstanding or secured by this Resolution.

**SECTION 9. Tax Covenants.** In order to preserve the exclusion of interest on the 1994 Bonds from gross income for federal income tax purposes and as an inducement to purchasers of the 1994 Bonds, the District represents, covenants and agrees that:

- (a) No person or entity, other than the District or another state or local governmental unit, will use proceeds of the 1994 Bonds or property financed by the 1994 Bond proceeds other than as a member of the general public. No person or entity other than the District or another state or local governmental unit will own property financed by 1994 Bond proceeds or will have actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, an arrangement such as take-or-pay or output contract, or any other type of arrangement that differentiates that person's or entity's use of such property from the use by the public at large.
- (b) No 1994 Bond proceeds will be loaned to any entity or person other than a state or local governmental unit. No 1994 Bond proceeds will be transferred, directly or indirectly, or deemed transferred to a non-governmental person in any manner that would in substance constitute a loan of the 1994 Bond proceeds.
- (c) The District will not take any action or fail to take any action with respect to the 1994 Bonds that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on the 1994 Bonds pursuant to Section 103 of the Internal Revenue Code of 1986 as in effect on the date of issuance of the 1994 Bonds (the "Code"), including, without limitation, the taking of such action as is necessary to rebate or cause to be rebated arbitrage profits on 1994 Bond proceeds or other monies treated as 1994 Bond proceeds to the federal government as provided in Section 148 of the Code, and will set aside such monies, which may be paid from investment income on funds and accounts notwithstanding anything else to the contrary herein, in trust for such purposes.
- (d) The District will file an information report Form 8038-G with the Internal Revenue Service as required by Section 149 of the Code.
- (e) The District will not make any investment or do any other act or thing during the period that any 1994 Bond is outstanding hereunder which would cause any 1994 Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations applicable thereto as in effect on the date of delivery of the 1994 Bonds.

Notwithstanding any other provisions of this Resolution, the foregoing covenants and authorizations (the "Tax Covenants") which are designed to preserve the exclusion of interest on the 1994 Bonds from gross income under federal income tax law (the "Tax Exemption") need not be complied with if the District receives an opinion of nationally recognized bond counsel that any Tax Covenant is unnecessary to preserve the Tax Exemption.

**SECTION 10. Amendments.** Subject to the terms and provisions contained in this section, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66-2/3%) in aggregate principal amount of the 1994 Bonds then outstanding shall have the right, from time to time, anything contained in this Resolution to the contrary notwithstanding, to consent to and approve the adoption by the District of such resolution or resolutions supplemental hereto as shall be deemed necessary or desirable by the District for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this Resolution, or in any supplemental resolution; provided, however, that nothing herein contained shall permit or be construed as permitting:

- (a) An extension of the maturity of the principal of or interest on any 1994 Bond; or
- (b) A reduction in the principal amount of any 1994 Bond or the rate of interest thereon, or a change in the monetary medium in which such amounts are payable; or
- (c) A preference or priority of any 1994 Bond over any other 1994 Bond; or
- (d) A reduction in the aggregate principal amount of the 1994 Bonds required for consent to such supplemental resolution.

If the District shall desire to obtain any such consent, it shall cause the Registrar to mail a notice, postage prepaid, to the addresses appearing on the registration books held by the Registrar. Such notice shall briefly set forth the nature of the proposed supplemental resolution and shall state that a copy thereof is on file at the office of the Registrar for inspection by all owners of the 1994 Bonds. The Registrar shall not, however, be subject to any liability to any owners of the 1994 Bonds by reason of its failure to mail such notice, and any such failure shall not affect the validity of such supplemental resolution when consented to and approved as herein provided.

Whenever at any time within one year after the date of the mailing of such notice, the District shall receive any instrument or instruments purporting to be executed by the owners of the 1994 Bonds of not less than sixty-six and two-thirds per cent (66-2/3%) in aggregate principal amount of the 1994 Bonds then outstanding, which instrument or instruments shall refer to the proposed supplemental resolution described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar, thereupon, but not otherwise, the District may adopt such supplemental resolution in substantially such form, without liability or responsibility to any owners of the 1994 Bonds, whether or not such owners shall have consented thereto.

No owner of any 1994 Bond shall have any right to object to the adoption of such supplemental resolution or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the District or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental resolution pursuant to the provisions of this section, this

Resolution shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Resolution of the District and all owners of 1994 Bonds then outstanding, shall thereafter be determined exercised and enforced in accordance with this Resolution, subject in all respects to such modifications and amendments.

Notwithstanding anything contained in the foregoing provisions of this Resolution, the rights and obligations of the District and of the owners of the 1994 Bonds, and the terms and provisions of the 1994 Bonds and this Resolution, or any supplemental resolution, may be modified or altered in any respect with the consent of the District and the consent of the owners of all the 1994 Bonds then outstanding.

Without notice to or consent of the owners of the 1994 Bonds, the District may, from time to time and at any time, adopt such resolutions supplemental hereto as shall not be inconsistent with the terms and provisions hereof (which supplemental resolutions shall thereafter form a part hereof),

(a) to cure any ambiguity or formal defect or omission in this Resolution or in any supplemental resolution; or

(b) to grant to or confer upon the owners of the 1994 Bonds any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the 1994 Bonds; or

(c) to procure a rating on the 1994 Bonds from a nationally recognized securities rating agency designated in such supplemental resolution, if such supplemental resolution will not adversely affect the owners of the 1994 Bonds; or

(d) to make any other change which is not to the prejudice of the owners of the 1994 Bonds; or

(e) to provide for the refunding or advance refunding of the 1994 Bonds.

**SECTION 11. Approval of Official Statement.** The distribution of the preliminary official statement with respect to the 1994 Bonds shall be approved by the Mayor, with such changes and modifications as may be authorized by the Mayor, as evidenced by his signature thereon. Said distribution is hereby authorized, approved and ratified, and this Board hereby deems final said official statement, as of its date, in accordance with the provisions of Rule 15c2-12 of the Securities and Exchange Commission, subject to completion as permitted by said Rule, and the Board further authorizes the distribution of the deemed final official statement, and the execution, delivery and distribution of such document as further modified and amended in the form of a final official statement.

**SECTION 12. No Conflict.** All resolutions and orders or parts thereof in conflict with the provisions of this Resolution are to the extent of such conflict hereby repealed. After the issuance of the 1994 Bonds authorized by this Resolution and so long as any of the 1994 Bonds or interest thereon remains unpaid, except as expressly provided herein, this Resolution shall not be repealed or amended in any respect which will adversely affect the rights of the holders of the 1994 Bonds, nor shall the District adopt any resolution which in any way adversely affects the rights of such holders.

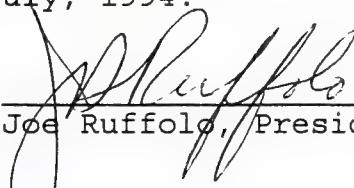
**SECTION 13. Severability.** If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of

such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

**SECTION 14. Holidays, Etc.** If the date of making any payment or the last date for performance of any act or the exercising of any right, as provided in this Resolution, shall be a legal holiday or a day on which banking institutions in the City or the city in which the Registrar or Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Resolution, and no interest shall accrue for the period after such nominal date.

**SECTION 15. Effectiveness.** This Resolution shall be in full force and effect from and after its passage. Upon payment in full of the principal and interest respecting the 1994 Bonds authorized hereby or upon deposit of an amount sufficient to pay when due such amounts in accordance with Section 8, all pledges, covenants and other rights granted by this Resolution shall cease.

ADOPTED by the Board of Park Commissioners of the City of Fort Wayne, this 21st day of July, 1994.

  
Joe Ruffolo, President

  
Carol Kettler Sharp, Vice President

  
Rev. Ternae Jordan, Commissioner

  
Gary Wasson, Commissioner

  
Robert C. Arnold, Secretary

EXHIBIT A

Project Description

SEE ATTACHED

July 21, 1994

## General Obligation Bond Issue Projects By Category

### ***NEW OR REPLACEMENT PROJECTS:***

***URBAN CITY PARK PROJECTS:*** Work includes issues as follows: Memorial Pool, Jennings Center, Cooper Center, Weisser Park and a potential new facility.

ALLOW: \$2,200,000

***SHOAFF:*** Two additional TENNIS COURTS plus resurfacing of the existing two courts (New).

TOTAL: \$112,500

***SHOAFF:*** WATER MAIN - Cost share with city on installation of water main along central drive to St. Joe Road. Total Cost \$91,000. City share = \$21,000. Add circuits to park buildings. (New).

PRD share: \$70,000

***KREAGER (MAUMEE) PARK:*** New Park Development; develop infrastructure.

ALLOW: \$25,000

***FOSTER PARK WEST:*** Install shelter/RR/concession building (New).

TOTAL: \$84,600

***FRANKE PARK:*** MAINTENANCE CENTER BUILDING: Build a 34'x60' Pole structure primarily for Heavy Equipment operations. Present space is at a premium. The Building will include areas for dry bulk storage, equipment repair and general work areas.(Replacement).

TOTAL: \$89,000

**ARMY CORP FLOOD CONTROL PROJECT:** Matching funds for construction of new pathways to link existing Rivergreenway to the County's Path out to and into Maumee Park (New).

- a. Trail (approx 20,800 lf)
- b. Underpass
- c. Trail markers
- d. Site furniture
- e. SUB-TOTAL (our share)

*NOTE: This is a 50/50 match project system. As projects will be under construction for about 3 years, it will require \$100,000 per year for each of the three years. Land and Water Conservation Funds may be used as part of fund mix.*

TOTAL: \$150,462

**FOELLINGER FREIMANN BOTANICAL CONSERVATORY:**

General facility upgrades (ADA, physical improvements, etc.)

TOTAL: \$50,000

**RENOVATION PROJECTS:**

**SWIMMING POOL ENHANCEMENTS:** Northside, McMillen, and Swinney pools (Renovation):

ALLOW: \$1,800,000

**MEMORIAL POOL:** Pool heater and cover: ALLOW: \$34,399

**RIVERGREENWAY - LITTLE TURTLE PATHWAY:** Resurface and widen existing 5 foot pathway to 8 foot wide. This section of the Rivergreenway is located along Spy Run Avenue near State Street. Signage as required (Renovation).

TOTAL: \$74,000

**JOHNNY APPLESEED PARK:** General electrical improvements (Renovation).

TOTAL: \$39,625

**LAKESIDE PARK:** GARDEN - Paver and Concrete repairs and general site restoration in reflecting pool area. Replace asphalt paths with concrete or pavers. Including around the Pavilion. (Renovation).

TOTAL: \$127,828

**INDIANA WATERS GRANT MATCH FUNDS:** Matching funds for each of a three year period. Work will center on Shoaff Lake at Franke Park. Indiana Waters is a 75/25 matching grant with a \$100,000 limit per FY. We will attempt to boost the state's funding limit to match the need for the project. The following sum is intended to provide our match for this program (Renovation).

TOTAL: \$100,000

**FRANKE PARK:** POND PAVILION: Install sanitary sewer from Pond Pavilion, south to the interceptor along Spy Run. (Renovation):

TOTAL: \$45,500

**FRANKE PARK:** CENTRAL RESTROOM: New or Renovation of; (Renovation):

TOTAL: \$95,375

**VESEY PARK:** FOOT BRIDGE over Spy Run: Replace (Renovation).

TOTAL: \$17,000

**SWINNEY PARK:** SWINNEY HOMESTEAD: Complete furnace work, upgrade electrical system, new sidewalks (Restoration).

TOTAL: \$40,000

**SWINNEY PARK:** MECHANIC STREET BRIDGE: Scrape and paint (Renovation).

TOTAL: \$25,000

**FOSTER PARK:** FOOTBRIDGE - Repaint/repair Suspension Bridge - paint, rehab steps, mechanical scrape, paint (Renovation):

TOTAL: \$17,000

**INDIAN VILLAGE PARK:** Sears Pavilion Renovation: Siding, Window replacement, Restroom modifications, ADA improvements, etc (Renovation).

TOTAL: \$51,375

**FOSTER PARK:** GARDEN WATER MAIN: Irrigation system line through the existing garden and into the planned development outlined in the Garden Master Plan (Renovation):

TOTAL: \$28,950

**FOSTER PARK:** FOSTER GOLF COURSE: Double row automatic watering system (Renovation)

TOTAL: \$237,000

**TILLMAN PARK:** STEWART McMILLEN TENNIS CENTER: Install state-of-the-art energy efficient metal-halide lighting fixtures to increase footcandle levels and reduce costs. This will improve both lighting levels and lighting uniformity. Color-coat all court surfaces (Renovation).

TOTAL: \$60,000

**McMILLEN PARK:** PHASE III - ICE ARENA: Americans with Disabilities Act (ADA) improvements, New bleachers/platforms, Hockey Storage area, Upgrade Sound system, Replace flooring tiles on steps, warming room and west end of rink, Dasher Boards, Basement Dressing Room improvements (Renovation).

TOTAL: \$219,250

**McMILLEN PARK:** McMILLEN PAVILION #1: General restoration including structural repairs, roof replacement, gutters/downspouts, restrooms, concrete work, painting, restroom lighting, ADA modifications, repair/replace overhead doors (Renovation):

TOTAL: \$80,850

**ADA:** PARK WIDE ADA IMPLEMENTATION: Renovation of various parks and park facilities to comply with Americans with Disabilities Act. Reconstruction of areas as defined in individual site surveys currently being prepared in-house (Renovation and Code Compliance):

TOTAL: \$243,000

**STREET TREES:** The planting of replacement trees along city streets by contractors. This is with the cooperation of C&ED for funding through neighborhood street tree program and council CREDIT funds. Goal: 50/50 funding mix (Replacement and Growth).

TOTAL: \$95,000

**LANDSCAPING:** Plant ornamental trees and shrubs in 25 parks and boulevard sites. New plants will replace older plants or add plants to beautify area. Plan and plant for reduced maintenance. Funds to be from donations matched with federal funds (SBA) when possible. If fully funded the total project cost is \$160,000 (Renovation and Growth).

TOTAL: \$100,000

**SHELTER DOORS:** (approx 40 ea) REPLACEMENTS. Need further planning - shelter discussion. Illustrate condition of doors on tour (Renovation):

TOTAL: \$16,000

**A-FRAME GREEN TABLES:** Replacement of old A-Frame green tables in Conklin (18), McCormick (8) and McMillen (16) with Roll-Away type tables that can be handled by one person. 42 tables total. (Renovation/Replacement)

TOTAL: \$26,418

**PACKARD PARK:** Remodel the restrooms (Renovation).

TOTAL: \$7,000

**BALL DIAMOND LIGHTING:** Upgrade existing electrical service and replace fixtures at various ball diamond sites. This work will result in higher efficiency lighting systems which will reduce operational costs. Sites include (Renovation):

1. Memorial Diamond (Poles, fix's, X-arms, wiring, controls)
2. McMillen #1 (Poles, fix's, X-arms, wiring, controls)

TOTAL: \$105,506

**FOSTER PARK:** Stabilize Pavilion #3 and close restroom (see Foster West) (Reno).

TOTAL: \$20,000

**WELLS STREET BRIDGE:** Funding participation for total bridge renovation via a ISTEAG Grant (Renovation).

TOTAL: \$25,000

## **RESURFACING PROJECTS:**

**SHOAFF: BACK ROAD** - Convert to 10' wide path system (Renovation):

TOTAL: \$55,750

**FOSTER BIKEWAY:** Overlay 1.5" asphalt (167,780 lf) over entire drive (Renovation).

TOTAL: \$59,340

**LAKESIDE PARK:** Asphalt the entry drive and small parking area. (Reno)

TOTAL: \$6,415

**JEHL PARK:** Resurface the pathway, tennis court and Basketball court (Renovation).

TOTAL: \$17,662

**LAWTON MAINTENANCE COMPOUND** - Chip and Seal the maintenance compound and service drives. 127,450 sf @ .22/sf. (Renovation)

TOTAL: \$41,183

**HAMILTON TENNIS COURT RENOVATION:** Resurface and color coat existing tennis courts (Renovation).

TOTAL: \$12,500

**SWINNEY PARK:** TENNIS COURT RENOVATION: Resurface and color coat existing tennis courts. Repairs to drainage system (Renovation).

TOTAL: \$18,000

**KETTLER PARK:** Resurface the Tennis Courts (2) (Renovation).

TOTAL: \$12,500

**FRANKE PARK:** FRANKE ASPHALT PROJECTS (Renovation):

1. Chip and Seal the Archery Lot.
2. Chip and Seal access drive to Archery Lot.
3. Wedge and level on main drives (135,000/sf).
4. Chip and Seal the Maintenance Complex grounds and related service drives (54,400/sf).

ALLOW \$80,000

**INDIAN VILLAGE PARK:** Sears Pavilion parking lot and drives - redesign and chip-n-seal. 24,600 lf (Renovation)

TOTAL: \$9,700

**TILLMAN PARK:** Chip and Seal (92,000 sf) the Diamond Complex Parking lot (Renovation):

TOTAL: \$29,487

**MEMORIAL PARK:** ROADWAYS/CURBS: Need a Traffic Plan. Resurface existing park drives. Construct of new curbing along existing drives (Renovation).

TOTAL: \$219,625

**McMILLEN PARK:** ROADS/CURBS: Resurface existing park drives. Eliminate portions of roadway; construction of new integral curb/gutter - removal of wood bollards. Construct new lot between the Pavilion and Ice Arena to service ball players (Renovation).

TOTAL: \$241,000

**CHILDREN'S ZOO:** Parking improvements:

TOTAL: \$130,000

## **EQUIPMENT:**

**EQUIPMENT:** Replacement of aging park maintenance equipment (mowers, specialized equipment, etc.).

TOTAL: \$246,300

**VEHICLES:** Replacement goal: With some exceptions, replace all vehicles 1985 or older. (Replacement).

TOTAL: \$562,900

**PLAYGROUND SITE IMPROVEMENTS:** ADA accessibility improvements and equipment replacement at selected locations. Seek fund matching from private sector if possible (Renovation):

TOTAL: \$150,000

**FUEL TANK REPLACEMENTS - IOSHA:** Removal of all and partial replacement of existing underground fuel storage tanks in existing parks to conform with IOSHA regulations. Parks include: Lawton, McMillen, Franke, Children's Zoo, Shoaff, Foster and Johnny Appleseed. The following cost estimate is for tank replacements only. It is impossible at this stage of planning to know the cost of remediation. (Code Compliance).

TOTAL: \$200,000

<b>Bond Sub-Total:</b>	<b>\$8,605,000</b>
<b>RPR Svcs (3%):</b>	<b>225,000</b>
<b>Legal/Admin Fees:</b>	<b>120,000</b>
<b>Bond Grand Total:</b>	<b>\$8,950,000</b>

EXHIBIT B

Maturity Schedule

<u>Date</u>	<u>Amount</u>
January 1, 1996	\$ 425,000
January 1, 1997	650,000
January 1, 1998	700,000
January 1, 1999	775,000
January 1, 2000	850,000
January 1, 2001	910,000
January 1, 2002	990,000
January 1, 2003	1,100,000
January 1, 2004	1,200,000
January 1, 2005	1,350,000



FORT WAYNE  
PARKS AND  
RECREATION

July 25, 1994

Fort Wayne City Council  
City County Building  
1 Main Street  
Fort Wayne, IN 46802

1994-07-19

Dear Council Members:

As you are aware, the Fort Wayne Board of Park Commissioners seeks City Council approval for a general obligation bond totalling \$8.95 million. Please consider this correspondence as a request for that approval.

It is foreseen that bond monies will be supplemented with private funding of \$4.47 million and \$1.46 million in grant funding to provide a total of \$14.88 million to be used for improvements and renovations to park properties and equipment.

Because a previous \$6.95 million park bond has been paid off and with the benefit of significantly improved interest rates, approval of the new bond will not require an increase in tax rates.

Bond-funded projects will include \$4.25 million for renovation of existing facilities, \$2.5 million for construction of new facilities, \$2.2 million for urban recreation and \$5.85 million for park development. A detailed report of all proposed projects will be provided for your closer review.

Please contact me for any further information needed in your decision making process. On behalf of the Parks and Recreation Department and the many people who enjoy our outstanding parks and programs, I thank you.

Respectfully,

Robert C. Arnold  
Director

BILL NO. S-94-07-19

REPORT OF THE COMMITTEE ON  
FINANCE of the Parks  
CLETUS R. EDMONDS - DONALD J. SCHMIDT - CO-CHAIR  
ARCHIE L. LUNSEY  
DAVID C. LONG

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) (RESOLUTION) authorizing the Board of  
Park Commissioners of the City of Fort Wayne to issue bonds of the  
Fort Wayne Department of Public Parks District in the name of the  
City for the purpose of financing improvements to parks and facilities  
and incidental expenses in connection therewith and on account of the  
issuance of the bonds

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*OSS*  
*Rebecca Davis*  
*Archie Lunsey*  
*Janet H. Brashears*  
*Sam Gallegos*  
*John C. Long*

DATED: 8-9-94.

Sandra E. Kennedy  
City Clerk